



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Rodriguez, et al.

Serial No.: 09/896,231

Filed: June 29, 2001

Confirmation No.: 9416

Group Art Unit: 2617

Examiner: Laye, Jade O.

Docket No.: A-7259 (191910-1870)

For: BANDWIDTH ALLOCATION AND PRICING SYSTEM FOR
DOWNLOADABLE MEDIA CONTENT

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Arturo A. Rodriguez hereby declare that:

1. I am a co-inventor of the subject matter claimed in the present application (identified above).
2. I am advised that the U.S. Patent & Trademark Office has rejected the claims of this patent application, based on disclosed teachings in U.S. patent application 10/981,053 (hereinafter the '053 application).
3. I am also a co-inventor of the subject matter claimed in the '053 application, as well as a co-inventor of the material cited from the '053 application as purportedly anticipating the claims of the present application.
4. I have previously assigned all right, title, and interest in the '053 application to Scientific Atlanta, Inc.
5. I have likewise assigned all right, title, and interest in the present application to Scientific Atlanta, Inc.
6. I am advised that the rejection under 35 U.S.C. 102(e) may be overcome by a showing under 37 C.F.R. 1.132 that any invention disclosed but not claimed in the

reference was derived from me, a co-inventor of the application and is thus not invention "by another."

7. As such, it is my understanding that the teachings of the '053 application should not be applied to reject the claims in the present application.

I hereby declare: (a) that all statements made herein of my own knowledge are true; (b) that all statements made on information and belief are believed to be true; (c) that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and (d) that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Arturo A. Rodriguez
Arturo A. Rodriguez

24 Oct 2005
Date